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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/811,073

03/26/2004

Wolfgang Papiernik

PAPIERNIK-3

8071

20151 7590 02/09/2006

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EXAMINER

DAVIS, OCTAVIA L

ART UNIT

PAPER NUMBER

2855

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

EF

<b>Office Action Summary</b>	Application No. 10/811,073	Applicant(s) PAPIERNIK ET AL.	
	Examiner Octavia Davis	Art Unit 2855	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/17/05.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Pettersson (5,505,004).

Regarding claim 1, 2 and 5, Pettersson discloses a machine frame comprising primary crossbeams 5, 11 disposed between respective movable support elements 6, 7 – 9 supporting the machine, rigid secondary crossbeams 2, 12 that extend parallel to the respective primary crossbeam and that is disposed between the support elements 6, 7 - 9 and a measuring probe 1 connected to the respective primary crossbeam to measure bending of the primary crossbeam relative to the secondary crossbeam (See Col. 3, lines 36 – 60, Col. 4, lines 62 – 67 and Col. 5, lines 1 – 2 and (Col. 6, lines 31 - 47, See Figs. 1, 3a and 6).

Regarding claims 3 and 4, the secondary crossbeam 2, 12 and the primary crossbeam 5, 11 differ in rigidity (See Col. 4, lines 14 – 26 and 45 – 50).

Regarding claims 6 and 7, the measuring probe 1 includes an optical measuring probe (See Col. 7, lines 57 – 67 and Col. 8, lines 1 – 3).

Regarding claim 8, the secondary crossbeam 2 includes a rod or bar element (See Col. 3, lines 41 – 47) and the measuring probe includes inductive and capacitive measurement (See Col. 7, lines 66 – 67 and Col. 8, lines 1 – 3).

Art Unit: 2855

Regarding claim 9, the support elements 6, 8, 9 are movable in a direction of motion perpendicular to a longitudinal extent of the respective primary crossbeam 5, 11 (See Col. 5, lines 5, lines 31 – 33 and Col. 6, lines 43 – 55 and Fig. 3).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pettersson (004) in view of Pettersson (5,287,629).

Regarding claims 10 and 11, Pettersson discloses all of the limitations of these claims except that the secondary crossbeam has a cross-sectional profile defined by a height and width sized to maximize a geometrical moment of inertia of the secondary crossbeam in the direction of motion. However, Pettersson (629) discloses a machine stand and a method of constructing it comprising a beam 42 and means that determines parameters of the beam, the parameters including length A, B, a calculated value G that represents the moment of inertia of the beam and the wall thickness of the beam (See Col. 5, lines 30 – 53, Col. 7, lines 57 – 68 and Col. 8, lines 1 – 14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pettersson (004) according to the teachings of Pettersson (629) for the purpose of, constructing a machine stand for coordinate measuring machines that determines deformation of the structure (See Pettersson (629), Col. 1, lines 40 – 60).

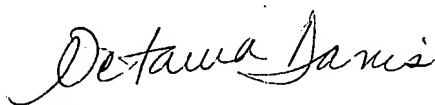
Art Unit: 2855

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Octavia Davis whose telephone number is 571-272-2176. The examiner can normally be reached on Mon through Fri from 9 to 5. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz, can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



OD/2855

2/1/06



**MAX NOORI  
PRIMARY EXAMINER**